

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITES STATES OF AMERICA,

Plaintiff,

v.

MABELLE DE LA ROSA DANN,

Defendant.

No. CR08-0390 CW

ORDER DENYING
MOTIONS TO DEFER
PAYMENT AND TO
STAY ACCRUAL OF
INTEREST

Defendant Mabelle De La Rosa Dann moves to defer payment of the Court-ordered special assessment and restitution and, pursuant to title 18 U.S.C. § 3612(f)(3)(A),¹ to stay accrual of interest on the restitution. Defendant asserts that, while she is incarcerated, her income is only \$28.90 per month, so that she cannot afford to make payments toward the special assessment or restitution or interest thereon. The government has not filed any opposition. The motions were taken under submission and decided on the papers.

In the Second Amended Judgment, filed on September 13, 2011, the Court ordered that, if Defendant was unable to pay the special assessment and restitution immediately, she shall pay it through her participation in the Bureau of Prison's Inmate Financial Responsibility Program. This program allows prisoners who cannot

¹ Section 3612(f)(1) provides that a defendant shall pay interest on restitution of more than \$2,500. Section 3612(f)(3) authorizes the court to waive interest if it determines that the defendant does not have the ability to pay interest.

1 afford to pay more, to pay \$25.00 per quarter. Because Defendant
2 is able to make payments of \$25.00 per quarter, her motion to
3 defer payment of the special assessment and restitution is denied.
4 Her motion to stay accrual of interest on restitution is denied.

5 CONCLUSION

6 Defendant's motions to defer payment of her special
7 assessment and restitution and to stay accrual of interest on the
8 restitution are denied.

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10 IT IS SO ORDERED.

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12 Dated: 12/22/2011

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14 CLAUDIA WILKEN
15 United States District Judge
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